In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-45077 of 2007

.....

Date of decision:30.10.2007

Mukhwinder Singh

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. S.S. Goraya, Advocate for Mr. Vivek Salathia, Advocate the petitioner.

.....

S.S. Saron, J. (Oral)

This petition under Section 482 Cr.P.C. has been filed for quashing the order dated 21.6.2007 (Annexure-P.4) passed by the learned Judicial Magistrate Ist Class, Amritsar and for discharging the petitioner in the criminal case arising out of FIR No.26 dated 19.2.2007 (Annexure-P.1) registered at Police Station Chhehrata, Amritsar for the offences under Sections 363 and 366-A IPC.

After hearing learned counsel for the petitioner and perusing the record, it may be noticed that in terms of the impugned order dated 21.6.2007 (Annexure-P.4), the learned Judicial Magistrate Ist Class, Amritsar has ordered the release of the petitioner from custody for the time being. The matter is still under investigation. In case there is indeed nothing against the petitioner then he would be liable to be charge-sheeted (challaned) by the Police.

In the circumstances, the petition seeking quashing the

proceedings at this stage when the matter is still under investigation is premature. Consequently, at this stage no ground for interference for quashing the proceedings qua the petitioner or his discharge is made out.

Accordingly, the criminal miscellaneous petition is dismissed being premature.

October 30, 2007. **(S.S. Saron)**
Judge

hsp